

Message Text

CONFIDENTIAL

PAGE 01 PARIS 21428 231232Z
ACTION SS-15

INFO OCT-01 EUR-12 ISO-00 SSO-00 SP-02 EB-07 L-03
/040 W

-----051964 231255Z /44

P R 231201Z JUL 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC PRIORITY 6139
INFO AMEMBASSY LONDON

C O N F I D E N T I A L PARIS 21428

FOR THE SECRETARY FROM HARTMAN

E.O. 11652: GDS
TAGS: EAIR, FR, UK, US
SUBJECT: CONCORDE: JUDGE POLLACK'S DECISION

1. I WOULD HOPE THAT IF JUDGE POLLACK'S FORTHCOMING
DECISION IS FAVORABLE TO CONCORDE, THE USG
WOULD BE PREPARED TO THROW ITS FULL WEIGHT
BEHIND ENSURING PROMPT COMPLIANCE WITH THAT
DECISION. SPECIFICALLY, THIS WOULD MEAN HEADING
OFF ANY FURTHER STAY OF THE IMPLEMENTATION OF THE
DECISION PENDING THE HEARING OF THE INEVITABLE
APPEAL.

2. THE USG REFRAINED, FOR REASONS WHICH SEEMED
SOUND AT THE TIME, FROM RESPONDING TO FRENCH AND
BRITISH ENTREATIES TO JOIN THE LAWSUIT AS AMICUS
CURIAE. FAILING TO DO SO MEANT, OF COURSE, THAT
WE WOULD SPARE OURSELVES A SHARE OF THE BLAME IF
OUR INTERVENTION INFLUENCED THE COURT ADVERSELY ON
ISSUES WHERE, WE WARNED, WE DID NOT SEE EYE TO
EYE WITH THE FRENCH AND BRITISH. OUR HAND WAS
FINALLY FORCED BY THE REQUEST EMANATING FROM THE
COURT OF APPEALS ITSELF. BY STRESSING THE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PARIS 21428 231232Z

UNREASONABLE, DISCRIMINATORY ATTITUDE OF THE PORT
AUTHORITY IN APPLYING THE CONCORDE BAN, OUR BRIEF
DID SET THE STAGE FOR THE COURT OF APPEALS RULING
THAT REFERRED THE CASE BACK TO THE LOWER COURT FOR
THE ADDITIONAL HEARINGS NOW BEING HELD BY JUDGE
POLLACK. (PAGE 14 OF THE COURT OF APPEALS'
RULING: "SINCE THE REASONABLENESS OF THE PORT

AUTHORITY'S DELAY HAS BEEN RAISED FOR THE FIRST TIME BY THE UNITED STATES AS AMICUS ON APPEAL...") MUCH OF THE GOOD FOR WHICH WE COULD TAKE SOME OF THE CREDIT WOULD BE UNDONE IF, THROUGH AN INJUNCTION, COMMENCEMENT OF CONCORDE PROVING FLIGHTS AND THEN THE FIRST COMMERCIAL FLIGHTS TO NEW YORK WERE FURTHER DELAYED UNTIL APPEALS ARE HEARD, ESPECIALLY SINCE AN APPEAL COULD GO ALL THE WAY TO THE SUPREME COURT.

3. WE ARE ON RECORD PUBLICLY IN CONDEMNING THE PORT AUTHORITY'S BAN AND IN FAVORING A TEST PERIOD FOR CONCORDE AT JFK. THEN LET US SAY SO AGAIN TO THE COURT IN ARGUING AGAINST ISSUANCE OF AN INJUNCTION THAT WOULD FRUSTRATE WHAT WE, THE FRENCH, AND THE BRITISH SEEK, NAMELY, OPPORTUNITY FOR CONCORDE TO HAVE A FAIR TEST AT NEW YORK WITHOUT PREJUDICE TO FINAL DECISION, WHETHER IN THE COURTS OR ON THE NOISE METERS AT JFK. AS I SAID IN MY EARLIER MESSAGE, RENEWED EVIDENCE THE PORT AUTHORITY HAS GIVEN OF AVOIDANCE OF ITS DUTY AND RECOURSE TO OUTRIGHT DISCRIMINATION AGAINST CONCORDE HAVE FURTHER EXACERBATED THE FRENCH MOOD. STIFFER REACTION WILL SOON COME FROM THIS SIDE IF OUR FAIRNESS IS NOT DEMONSTRATED, AND THIS IS BOUND TO HAVE SERIOUS EFFECTS IN OTHER AREAS OF

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PARIS 21428 231232Z

OUR RELATIONSHIP.
HARTMAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, JUDGES, COURT DECISIONS, CONCORDE, PORT CLEARANCES, GOVERNMENT REACTIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 23-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977PARIS21428
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770263-0804
Format: TEL
From: PARIS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770726/aaaaawcp.tel
Line Count: 96
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 45d0f264-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 03-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1768194
Secure: OPEN
Status: NATIVE
Subject: CONCORDE: JUDGE POLLACK'S DECISION
TAGS: EAIR, FR, UK, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/45d0f264-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009